

**CHARTER TOWNSHIP OF ELMWOOD  
SPECIAL BOARD MEETING  
AUGUST 2, 2021  
IN THE TOWNSHIP HALL**

**Call to Order:**

Supervisor Shaw called the meeting to order at 6:00 p.m.

**Pledge of Allegiance:**

Supervisor Shaw led the Pledge of Allegiance.

**Roll Call:**

**Present:** Jeff Shaw, Connie Preston, Terry Lautner, Jim O'Rourke, Dave Darga, and Chris Mikowski, and Deb Allen

**Excused:** None

**Declaration of Conflict of Interest:**

Supervisor Shaw read the definition of conflict of interest that was published in the Leelanau Enterprise.

MOTION BY TRUSTEE DARGA TO RECUSE SUPERVISOR SHAW FROM THE SHORT- TERM RENTAL WORK SESSION. The motion died for lack of support.

**Public Comment**

Aaron Cliff, David Colby, Todd Space, Chris Creamer, Bethany Cliff, Kelly Ignace, Rod Jones, Jack Kelly, Sue Jones, Karyl Moore, Tammy Space, Beth Walters, Fred Kilbourne, Peter Gropp, Megan Luce, and Del Moore

**Agenda Approval**

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE LAUTNER TO APPROVE THE AGENDA AS PRESENTED. The motion passed unanimously by a voice vote.

**NEW BUSINESS**

**Discussion/Consideration of Proposed Zoning Ordinance Amendment 2021-2 Short Term Rentals and Proposed Ordinance 2021-3, Short Term Rental Licensing**

Township Attorney Peter Wendling answered questions posed by Board members at the previous meeting. He confirmed that the Township can have a limited number of licenses. He recommended using a percentage of the housing stock to decide on the number allowed. He stated that the Township could not have a declining number of licenses allowed by the licensing ordinance because it would become a zoning ordinance and not a police power ordinance. The license would have to go back to the Township and back into the queue upon a transfer of the property. Mr. Wendling found other ordinances that clearly state that this is not a property right and does not transfer with the property. He recommended that the definition of a transfer be the one used in assessing. Two items that need to be looked at tonight are if we want STRs in all districts or just some and what percent do you want to use for the licensing ordinance. Using a percent recognizes it as a use but also acts to be sure that residential stock remains the same. The police power ordinance is to make sure the behavior matches the use in the zoning district.

Planner Sara Kopriva stated that the percent could be put into the intent of the licensing ordinance. We could state that the number allowed is based on the percent. We could review every five years. The Board further discussed the percent allowed and the effects of leaving it

out of some districts causing others to have more. When licensing is opened up, there could be more applicants than licenses. Ultimately, some may not get a license. Applicants would have to prove ownership and provide a floor plan and have a proof of occupancy when submitting an application. There was consensus of the Board to not limit licenses to one per person. If there is still interest in an overlay district, an ordinance still needs to be adopted now and then have the PC work on an amendment for the overlay. There will be some nonconforming properties if the use is later removed from some districts. There was a majority of the Board in favor of allowing the short-term rentals in all districts. There was also a majority of the Board in favor of using 4% as the figure for setting the number of rentals allowed. It could be backed down if not all licenses are issued. We would want to set a narrow time frame for submitting applications. The fees would be based on the cost of the Host Compliance contract and enforcement. There was a request to add language that requires compliance with the Leelanau County Animal Control Ordinance.

Planner Kopriva will work on language and have our Attorney do a final review and will bring back to the Board for introduction and possibly schedule public hearings.

**Discussion/Consideration of Withdrawing the Request to the Planning Commission to Develop an Ordinance to Remove Short-Term Rentals from Certain Zoning Districts**  
MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE O'ROURKE TO WITHDRAW THE REQUEST TO THE PLANNING COMMISSION TO AMEND ORDINANCE 2017-04-13. The motion passed 6-1 by a voice vote with Trustee Darga voting no.

**PUBLIC COMMENT**

Rod Jones, Kelly Ignace, Karyl Moore, Jack Kelly, and Del Moore

**Adjournment**

Supervisor Shaw adjourned the meeting at 7:58 p.m.